

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-2186

United States of America,

Appellee,

v.

Helen Duffy, also known as Helen
Authier,

Appellant.

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Appeal from the United States
District Court for the
Northern District of Iowa.

[UNPUBLISHED]

Submitted: November 21, 2001

Filed: December 4, 2001

Before BOWMAN, LOKEN, and BYE, Circuit Judges.

PER CURIAM.

Helen Duffy was convicted after a jury trial of acquiring cocaine through misrepresentation, deception, and subterfuge, in violation of 21 U.S.C. § 843(a)(3), and of possessing cocaine, in violation of 21 U.S.C. § 844(a). The district court¹ sentenced her to 5 months imprisonment and one year supervised release (including 5 months home detention). On appeal, counsel has moved to withdraw under Anders

¹The HONORABLE DONALD E. O'BRIEN, United States District Judge for the Northern District of Iowa.

v. California, 386 U.S. 738 (1967), and has filed a brief arguing that Duffy's convictions were not supported by sufficient evidence.

The evidence at trial, examined in the light most favorable to the jury verdict, see United States v. Robinson, 217 F.3d 560, 564 (8th Cir.), cert. denied, 531 U.S. 999 (2000), showed that Duffy, by virtue of her job responsibilities, was the only pharmacy employee with the ability to order cocaine (by having her manager sign blank order forms), to authorize payment for the cocaine, and to receive the cocaine when it was shipped. This evidence was sufficient to support both guilty verdicts. See United States v. Wilbur, 58 F.3d 1291, 1292 (8th Cir. 1995); United States v. Hill, 589 F.2d 1344, 1350 (8th Cir.), cert. denied, 442 U.S. 919 (1979).

We have conducted an independent review under Penson v. Ohio, 488 U.S. 75 (1988), and conclude that there are no other nonfrivolous issues for appeal. Accordingly, we affirm, and grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.